

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

X

ALPHA RECYCLING, INC.,

Case No.:

1:14-cv-05015-JPO-RLE

Plaintiff,

-against-

TIMOTHY CROSBY, d/b/a CONVERTER GUYS, d/b/a
CONVERTERGUY.COM, d/b/a RECYCLING ALPHA,

Defendants.

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION**

X

The Plaintiff Alpha Recycling, Inc., (“Alpha” or “Plaintiff”) having filed a complaint in this action alleging that Defendant Timothy Crosby, d/b/a ConverterGuys.com, d/b/a Recycling Alpha (“Crosby” or “Defendant”) has engaged in cybersquatting, trademark infringement under the Lanham Act, defamation under New York common law, and unfair competition under New York common law; and

Plaintiffs and Defendant having compromised their claims, now desire to settle the controversy between them, and they request entry of the following Consent Judgment and Permanent Injunction.

NOW THEREFORE, based on consideration of the pleadings and exhibits this Court accepts and approves the request of the Parties and finds and orders as follows:

CONSENT JUDGMENT AND PERMANENT INJUNCTION

IT IS THEREFORE ORDERED that judgment as to all remaining counts in favor of Plaintiff is entered by consent, and that Defendant and its principals, officers, members, agents, servants, employees, attorneys, and those persons under their control or in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined and permanently restrained from:

- A. making, either directly or indirectly, false and/or misleading statements of fact regarding Alpha and/or its affiliates, business relationships, services and/or business conduct or otherwise making any statements which are detrimental to Alpha's reputation; or
- B. registering any domain names, filing any trademark applications (state, federal or international) containing the term "Alpha" and/or any confusingly similar derivations thereof, or making any use-in-commerce of the name "Alpha" or confusingly similar derivations thereof; and
- C. assisting, aiding, or abetting any other person or entity in engaging in or performing any of the activities described in paragraphs (A) through (B) above.

IT IS FURTHER ORDERED that:

- D. Within 15 days of this Consent Judgment and Permanent Injunction, Defendant shall remove all content regarding Alpha from any websites over which Crosby has editorial control, in which Crosby's false, defamatory and misleading statements about Alpha have been published or republished, including but not limited to the review on Google as listed below:
 - i. <<https://www.google.com/maps/contrib/105669958973746314747/reviews>>
- E. Within 15 days of this Consent Judgment and Permanent Injunction, Defendant shall contact, in writing, all third-party websites over which Defendant does not have editorial control and on which Crosby's false, defamatory and misleading statements about Alpha have been published or republished and shall inform each such website of this Consent Judgment and Permanent Injunction and request that each such website remove and/or de-index all of Defendant's defamatory content about Alpha, including, but not limited to the following:
 - i. "Ripoff Report" <<http://www.ripoffreport.com/r/alpha-recycling-bronx/bronx-new-york-10466/complaint-review-alpha-recycling-bronx-notice-ripoff-report-vip-arbitration-decision-1141886>>, and
 - ii. "Scamorg.com" <<http://www.scamorg.com/alpha-recycling-bronx-c0>>.
- F. Defendant shall pay to Alpha compensatory damages in the amount of \$50,000, subject to the terms of a separate Settlement Agreement between the Parties.

Defendant waives all rights of appeal.

ORDERED that this judgment constitutes a final judgment as to all claims asserted in this action by Plaintiff against Defendant and the parties shall pay their own respective attorneys' fees and costs.

ORDERED that if Defendant is alleged to have violated the terms of the Consent Judgment and Permanent Injunction or Settlement Agreement, Plaintiffs shall have the right to file a new action which

the Parties agree they will jointly ask to be heard on an expedited basis. In any such action, Plaintiff may pursue any and all remedies it may have against Defendant, and shall be entitled to recover its attorneys' fees and costs incurred in pursuing such violation of the terms of this Consent Judgment and Permanent Injunction, or Settlement Agreement.

ENTERED:

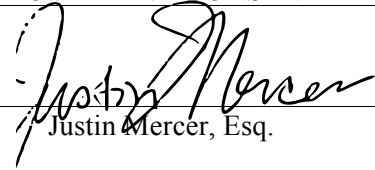
Dated this 16 day of May, 2016



J. PAUL OETKEN
United States District Judge

APPROVED AND CONSENTED TO:

Dated May 16, 2016


By: 

Justin Mercer, Esq.

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Attorneys for Plaintiff

Dated May 16, 2016

By: 

Timothy Crosby

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Defendant pro se

Copy Mailed to Pro Se Defendant by Chambers